

JOURNAL OF THE HOUSE.

Monday, July 18, 2005.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God, Our Creator, we depend upon Your gift of wisdom and Your guidance in our daily struggle to address and resolve the often difficult legislative and public policy issues of the day. Inspire us to select the most reasonable, just and ethical legislative options which are available to us. We know that we cannot resolve all legislative matters to the satisfaction of all in our diverse communities. Help us to be aware of the needs of all, the best interests of all and the relevance of seeking the common good in today's world. Teach us to work together in a common effort to make our communities safe, civil and welcoming and all citizens responsible for personal decisions.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

*Pledge of
allegiance.*

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Representatives Polito of Shrewsbury, Loscocco of Holliston and Peterson of Grafton) honoring the town of Westborough for being recognized by Money Magazine and CNN/Money as the thirty-sixth most liveable town in the United States of America; and

Westborough.

Resolutions (filed by Mr. Smola of Palmer) congratulating Saint Peter and Paul Church on the occasion of its one hundredth anniversary;

*Saint Peter
and Paul
Church.*

Mr. Petrolati of Ludlow, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Petruccelli of Boston, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Paper from the Senate.

A message from His Excellency the Governor recommending legislation relative to reforming the Massachusetts Rental Voucher Program (House, No. 4234), came from the Senate with the endorsement that said branch had non-concurred with the House in its reference to the committee on Children and Families and that it had been referred, in non-concurrence, to the committee on Housing.

*Victims,
confidentiality.*

On motion of Mr. Honan of Boston, the House recessed from its reference; and the message (accompanied by bill, House, No. 4234) was referred, in concurrence, to the committee on Housing.

Reports of Committees.

Welfare
reform.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, asking to be discharged from further consideration of the Bill relative to responsible welfare reform (House, No. 4245),— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence in the discharge of the committee.

Affordable
housing,
financing.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to financing the production of affordable housing (House, No. 2610) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Lepper of Attleboro, the bill was read a second time forthwith.

The amendment previously recommended by the committee on Bonding, Capital Expenditures and State Assets,— that the bill be amended by substitution of a bill with the same title (House, No. 4161),— then was rejected.

Pending the question on adoption of the amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4244),— Messrs. DeLeo of Winthrop and Honan of Boston moved that the proposed substitute bill be amended in section 4, in lines 59 to 73, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following two paragraphs:

“If a property was previously leased or sold to an owner by a city, town or local housing authority, prior to any sale or transfer or other disposition of any such housing assisted under this section, said owner shall offer the city, town or local housing authority or its assignee, who shall be a qualified developer selected pursuant to the terms of this section under the guidelines of the department of housing and community development, a first refusal option to meet a bona fide offer to purchase said property. The owner shall provide to the city, town or local housing authority written notice by regular and certified mail, return receipt requested, of the owner’s intention to sell, transfer or otherwise dispose of the property. The city, town or local housing authority shall hold such first refusal option for the first 60 days after receipt of the owner’s notice of intent to transfer the property. No transfer of the property shall occur during said 60 day option period and failure to respond to the written notice of the owner’s intent to sell, transfer or otherwise dispose of the property within 60 days after the receipt thereof shall constitute a waiver of such right of first refusal by such city, town or local housing authority. No sale, transfer or other disposition of such land shall be consummated until either said first refusal option period shall have expired or the owner shall have been notified in writing by the city,

town or local housing authority or assignee in question that said option will not be exercised. Such option may be exercised only by written notice signed by a designated representative of the city, town or local housing authority or its assignee, mailed to the owner by certified mail at such address as may be specified in his notice of intention and recorded with the registry of deeds or the registry district of the land court of the county or district in which the affected real property is located, within the option period. If the first refusal option has been assigned to a qualified developer selected pursuant to the terms of this section under guidelines issued by the department, such written notice shall state the name and address of such developer and the terms and conditions of such assignment. An affidavit before a notary public that the city, town or local housing authority or its designated representative has mailed such notice of intent on behalf of an owner shall conclusively establish the manner and time of the giving of such notice; and such affidavit, and such notice that the option will not be exercised shall be recorded with the registry of deeds or the registry district of the land court of the county or district in which the affected real property is located. Each notice of intention, notice of exercise of the option and notice that the option will not be exercised shall contain the name of the record owner of the land and description of the premises to be sold or converted adequate for identification thereof; and each such affidavit before a notary public shall have attached to it a copy of the notice of intention to which it relates. Such notices of intention shall be deemed to have been duly mailed to the parties above specified if addressed to them in care of the keeper of records for the party in question. The city, town or local housing authority or its assignee may purchase or acquire the property only for the purposes of preserving or providing affordable housing; provided that no state funds shall be used for the purchase of such property.

If said city, town, or local housing authority shall fail to exercise the option within 60 days, an owner shall thereafter offer the department or its assignee, who shall be a qualified developer selected pursuant to the terms of this section under the guidelines of the department, a first refusal option to meet a bona fide offer to purchase said property. The owner shall provide to the department written notice by regular and certified mail, return receipt requested, of the owner’s intention to sell, transfer or otherwise dispose of the property. The department or its assignee shall hold such first refusal option for the first 120 days after receipt of the owner’s notice of intent to transfer the property, but in no case shall said 120 days commence prior to the termination of said 60 day option held by a city, town or local housing authority. Failure to respond to the written notice of the owner’s intent to sell, transfer or otherwise dispose of the property within 120 days after the receipt thereof shall constitute a waiver of such right of first refusal by the department. No sale, transfer or other disposition of such land shall be consummated until either said first refusal option period shall have expired or the owner shall have been notified in writing by the department or assignee in question that said option will not be exercised. Such

Affordable
housing,
financing.

option may be exercised only by written notice signed by a designated representative of the department or its assignee, mailed to the owner by certified mail at such address as may be specified in his notice of intention and recorded with the registry of deeds or the registry district of the land court of the county or district in which the affected real property is located, within the option period. If the first refusal option has been assigned to a qualified developer selected pursuant to the terms of this section under guidelines issued by the department, such written notice shall state the name and address of such developer and the terms and conditions of such assignment. An affidavit before a notary public that the department or its designated representative has mailed such notice of intent on behalf of an owner shall conclusively establish the manner and time of the giving of such notice; and such affidavit, and such notice that the option will not be exercised shall be recorded with the registry of deeds or the registry district of the land court of the county or district in which the affected real property is located. Each notice of intention, notice of exercise of the option and notice that the option will not be exercised shall contain the name of the record owner of the land and description of the premises to be sold or converted adequate for identification thereof; and each such affidavit before a notary public shall have attached to it a copy of the notice of intention to which it relates. Such notices of intention shall be deemed to have been duly mailed to the parties above specified if addressed to them in care of the keeper of records for the party in question. If the property was not previously leased or sold to said owner by a city, town or local housing authority, then prior to any sale or transfer or other disposition of any such housing assisted under this section, an owner shall offer the department or its assignee, who shall be a qualified developer selected pursuant to the terms of this section under the guidelines of the department, a first refusal option to meet a bona fide offer to purchase said property. The owner shall provide to the department written notice by regular and certified mail, return receipt requested, of the owner's intention to sell, transfer or otherwise dispose of the property. The department or its assignee shall hold such first refusal option for the first 120 days after receipt of the owner's notice of intent to transfer the property. Failure to respond to the written notice of the owner's intent to sell, transfer or otherwise dispose of the property within 120 days after the receipt thereof shall constitute a waiver of such right of first refusal by the department. The department of housing and community development or its assignee may purchase or acquire the property only for the purposes of preserving or providing affordable housing." and, in line 106, by striking out the following: "120-day period" and inserting in place thereof the words "period, the city, town or local housing authority or their assignee, or"; and in section 6, in lines 8 and 9, by striking out the words "any housing in the commonwealth with assistance from a federal or state subsidy in whatever form" and inserting in place thereof the following: "of said housing" and, in line 12, by striking out the words "federally or state subsidized" and inserting in place thereof the word "said".

The further amendments were adopted.

The amendment recommended by the committee on Ways and Means, as amended, then also was adopted; and the bill (House, No. 4244, amended) was ordered to a third reading.

By Mrs. Owens-Hicks of Boston, for the committee on Children and Families, on House, Nos. 2835 and 2838, an Order relative to authorizing the committee on Children and Families to make an investigation and study of certain House documents concerning motor fuel and workfare assistance (House, No. 4262).

Workfare
assistance.

By Mr. Pedone of Worcester, for the committee on Consumer Protection and Professional Licensure, on House, No. 2934, an Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of a certain House document concerning consumer credit counseling (House, No. 4263).

Consumer
credit
counseling.

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of said orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Koutoujian of Waltham, for the committee on Public Health, on House, No. 3638, an Order relative to authorizing the committee on Public Health to make an investigation and study of a certain House document relative to speech-language pathologists (House, No. 4264). Referred, under Joint Rule 1E, to the committee on Health Care Financing.

Speech
pathologists,
study.

By Mrs. Owens-Hicks of Boston, for the committee on Children and Families, on Senate, Nos. 121 and 145 and House, No. 1465, a Resolve providing for an investigation and plan by a special commission relative to ending homelessness in the Commonwealth (House, No. 4265). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Homelessness.

By Mrs. Owens-Hicks of Boston, for the committee on Children and Families, on Senate, No. 115 and House, No. 3861, a Bill relating to human services — authorizing providers to negotiate jointly with the Department of Early Education and Care and the Executive Office of Health and Human Services (House, No. 4266). Read; and referred, under Rule 33, to the committee on Ways and Means.

Human
service
providers.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill establishing a police technology fund (House, No. 3592).

Police
technology
fund.

By the same member, for the same committee, on a petition, a Bill relative to borrowing by the town of Milford for the funding of the geriatric authority of Milford (House, No. 4182) [Local Approval Received].

Milford
geriatric
authority.

Harwich,
charter.

Norfolk,
public
works.

Hingham,
land.

By the same member, for the same committee, on a petition, a Bill relative to the Charter of the town of Harwich (House, No. 4198) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to the board of the public works of the town of Norfolk (House, No. 4242).

By the same member, for the same committee, on House, No. 4181, a Bill authorizing the town of Hingham to convey certain land (House, No. 4267).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

House bills

County advisory
boards.

Providing for county advisory boards on economic development, regional planning and intergovernmental relations (House, No. 1622);

Coastal
damage.

Establishing coastal storm damage mitigation accounts (House, No. 1629);

State Library.

Relative to the State Library (House, No. 3527);

Earle Bercier,
sick leave bank.

Establishing a sick leave bank for a certain employee of the Department of Correction (House, No. 4056);

Provincetown,
assessors.

Relative to the board of assessors of the town of Provincetown (House, No. 4096) [Local Approval Received];

Mashpee,
easement.

Authorizing the town of Mashpee to grant a certain easement (House, No. 4111) [Local Approval Received]; and

Boston,
William I.
Griffiths.

A petition for a special law re: the retirement of William I. Griffiths (House, No. 4123) [Local Approval Received];

Severally placed in the Orders of the Day for the next sitting for a second reading.

Julie
Hutcheson,
death
benefits.

By Mr. Kaufman of Lexington, for the committee on Public Service, ought NOT to pass, on the petition (accompanied by bill, House, No. 325) of Thomas J. O'Brien and Mary J. Richards for legislation to direct the State Board of Retirement to grant a certain accidental death benefit to Julie Hutcheson.

Pension
system,
marriage
penalty.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 467) of Rachel Kaprielian and Mary J. Richards for legislation to eliminate the marriage penalty, so-called, from the public employees retirement law.

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matters be scheduled for consideration by the House.

Severally placed in the Orders of the Day for the next sitting, the question, in each instance, being on acceptance.

Orders of the Day.

House bills

Authorizing Capital Asset Management and Maintenance to convey certain land to the town of Hingham (House, No. 1430);

Third
reading
bills.

Amending an act relative to the water commissioners of the town of Spencer (House, No. 3229);

Authorizing the town of Spencer to lease certain property (House, No. 3230) (its title having been changed by the committee on Bills in the Third Reading); and

Authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Marlborough (House, No. 4162);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Next
sitting.

At twenty-five minutes before one o'clock P.M., on motion of Mr. Lepper of Attleboro (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.